

1
2
3
4
5
6
7 JOSE MONTANEZ,
8 Plaintiff,
9 v.
10 CHECKR, INC.,
11 Defendant.

Case No. 19-cv-07776-KAW
ORDER GRANTING MOTION TO STAY
Re: Dkt. No. 42

12
13 On May 12, 2020, Defendant filed a motion to compel arbitration. (Dkt. No. 37.)
14 Defendant also filed a motion to stay all proceedings and discovery in this matter pending the
15 Court's ruling on the motion to compel arbitration. (Dkt. No. 42.)

16 On May 26, 2020, the parties filed a stipulation to modify the briefing schedule for the
17 motion to stay, such that the deadlines would be the same as the motion to compel arbitration.
18 (Dkt. No. 47.) On June 11, 2020, the Court denied the stipulation, explaining:

19 As a practical matter, the proposed briefing schedule would result in
20 the motion to stay being decided at the same time as the motion to
21 compel arbitration. This would appear to render the motion to stay
22 moot, as its stated purpose is to stay the case pending a ruling on the
23 motion to compel arbitration. Thus, it is not clear why the parties
stipulating to a modified briefing schedule, rather than
stipulating to a stay of discovery and/or withdrawing the motion to
stay.

24 (Dkt. No. 49 at 1.) The Court set a new briefing schedule, with Plaintiff's opposition due by June
25 19, 2020, and Defendant's reply due by June 26, 2020.

26 To date, Plaintiff has not filed an opposition or statement of non-opposition.¹ Pursuant to
27

28 ¹ Defendant also did not file a reply.

1 the undersigned's standing order, "[t]he failure of the opposing party to file a memorandum of
2 points and authorities in opposition to any motion shall constitute consent to the granting of the
3 motion." (Judge Westmore's General Standing Order ¶ 23.) Accordingly, the Court GRANTS
4 Defendant's motion to stay as unopposed.

5 IT IS SO ORDERED.

6 Dated: June 29, 2020


KANDIS A. WESTMORE
United States Magistrate Judge